

**Operating Procedure for Dukes Division of the Probate and Family Court  
Under Standing Order 1 – 21, effective July 12, 2021**

A. General information:

Effective July 12, 2021, the Probate and Family Court will be open to conduct all emergency and non-emergency court business in person, except for the matters identified in Paragraph C below and any matter that a judge determines shall be held virtually.

The ability to conduct in-person hearings depends upon successful compliance with all safety protocols established by the Trial Court, including, but not limited to, Trial Court occupancy limits.

Parties may file pleadings by US mail, in person, or by e-filing where available. Email filings will be accepted when done so by a Court Service Center staff member or by an attorney volunteering through a Lawyer for the Day program on behalf of a self-represented litigant or if specifically authorized by the Supreme Judicial Court or the Executive Office of the Trial Court. Other email filings may be allowed at the discretion of each Register of Probate. Drop boxes may be available to file pleadings in some court locations.

Until further notice, the Dukes Division will accept documents up to ten pages in length by email to [dukesprobate@jud.state.ma.us](mailto:dukesprobate@jud.state.ma.us). Voluminous pleadings should be delivered to the Registry by mail or by hand or by e-file if available. Except in case of emergency, emailed documents must be sent at least one week before the hearing date, with copies to all counsel and unrepresented parties. Last minute filings may be rejected. All email filings should include the case caption and docket number in the subject line. You may call 508-627-4703 or send an email to [dukesprobate@jud.state.ma.us](mailto:dukesprobate@jud.state.ma.us) if you have questions about filing by email.

The Dukes Division will maintain a drop box outside the back door of the courthouse. Documents will be collected by Registry Staff at least twice per day. You may call 508-627-4703 or send an email to [dukesprobate@jud.state.ma.us](mailto:dukesprobate@jud.state.ma.us) if you have questions about the drop box.

Electronic signatures will continue to be used, consistent with the current order of the Supreme Judicial Court, unless and until otherwise amended by subsequent orders or rules.

Virtual registries may continue to be used. Virtual registries offer all of the assistance normally available during an in-person visit, including face-to-face contact, the ability to obtain and get assistance with court forms, and access to court documents and docket information. [Information about virtual registries can be found here.](#)

At present, Dukes Probate and Family Court does not operate a Virtual Registry.

B. In-Person Proceedings:

As of July 12, 2021, the Probate and Family Court will expand the scheduling of in-person hearings for all matters, except for the matters identified in Paragraph C below and any matter that a judge determines shall be held virtually. In-person hearings will be scheduled for the next available date and will be conducted on a staggered schedule.

Staggered scheduling for Dukes Probate and Family Court will be updated as available.

You may call 508-627-4703 or send an email to [dukesprobate@jud.state.ma.us](mailto:dukesprobate@jud.state.ma.us) if you have questions about staggered scheduling.

If notice has already gone out and a matter is scheduled for a virtual hearing on or after July 12, 2021, the matter will still be held virtually unless the assigned judge determines the matter should be heard in person and the parties are notified of such change.

Where an in-person hearing is scheduled, a party may request that the hearing be conducted virtually, and the judge will rule on the request.

All requests for a virtual hearing must be accompanied by an affidavit explaining the reason for the request. A copy of the request and the affidavit must be delivered to all other counsel and self-represented parties on the same day as the request is delivered to the Court. The request for a virtual hearing may be sent by email to [dukesprobate@jud.state.ma.us](mailto:dukesprobate@jud.state.ma.us). All emails should include the case caption and docket number in the subject line.

Alternatively, a judge, upon request, may authorize a participant (an attorney, party, or witness) to appear virtually while other participants appear in person, so long as it is consistent with due process and fundamental fairness. A participant who requests to appear virtually for an otherwise in-person proceeding shall have no grounds to object to other participants appearing in person.

Requests to appear virtually should be made as far in advance as possible. Except in case of emergency, all requests to appear virtually must be submitted at least 7 days prior to the scheduled hearing date. If a party objects to the request for a virtual hearing, they must notify the court of their objection in writing (which may be by email) within 48 hours of their receipt of the copy of the request. The request for a virtual hearing will be handled administratively by the assigned judge and counsel and self-represented parties will be notified. You may call 508-627-4703 or send an email to [dukesprobate@jud.state.ma.us](mailto:dukesprobate@jud.state.ma.us) if you have questions.

C. Virtual Proceedings:

The following matters shall be held virtually and on a staggered schedule:

1. Uncontested adoptions, unless the assigned judge determines that the matter should be heard in person;
2. Uncontested divorces;

3. Rogers reviews;
4. Best efforts § 29B annual reviews – DCF custody;
5. Any action involving child support only, except for contempt actions;
6. Case Management/Status conferences; and
7. Discovery motions.

Additional matters may be heard virtually in the discretion of the assigned judge. In general, virtual hearings will be begin at 9:30 a.m. and the in-person hearings will begin at 10:30 a.m.

Changes to staggered scheduling for virtual matters in Dukes Probate and Family Court will be updated as available.

Matters that are generally handled administratively (e.g., marriage without delay; joint modification); uncontested/assented to motions (e.g., appointment of GAL; continue date of hearing; file marriage certificate late); and uncontested/routine allowables in probate actions (e.g., informal petition; transfer of guardianship or conservatorship from another state; accounts; appointment of GAL; license to sell; alternative service; waiver of sureties; motion to file death certificate late) will continue to be handled administratively. If such a matter is not handled administratively, a virtual hearing will be scheduled.

In the absence of exceptional circumstances, as determined by the judge conducting the hearing, no party or attorney for a party may be physically present in the courtroom for a scheduled virtual hearing.

However, in cases with one or more self-represented litigants, judges shall consider the possibility that self-represented litigants may have limited access to the technology needed or limited experience with such technology and either assist the self-represented litigant or offer the option to appear in person.

A judge may also consider matters through an administrative review process and determine motions in accordance with Rule 78.

D. Protocol in the event of a court closure by the Trial Court:

To the extent feasible, matters scheduled for hearing shall be heard remotely during a court closure. If an event is rescheduled, counsel and self-represented parties will be notified. Non-emergency pleadings and new filings will be processed when the Court reopens. Inquiries concerning emergencies may be made to the HELP LINE (tel:833-912-6878) or you may call 508-627-4703 or send an email to [dukesprobate@jud.state.ma.us](mailto:dukesprobate@jud.state.ma.us). Court staff will retrieve messages during court closures and, if appropriate, review the matter with the assigned judge. If the assigned judge deems the matter an emergency, the matter will be heard as quickly as possible via zoom or telephonically.

If an abuse prevention order is necessary to protect a person in imminent danger, an emergency order can be requested in-person at the local police department or by calling 911.

E. Contact Information:

Emergency phone number	508-627-4703
Emergency email address	<a href="mailto:dukesprobate@jud.state.ma.us">dukesprobate@jud.state.ma.us</a> .
Registry phone number	508-627-4703
Probation contact	508-897-5418

F. Additional Information:

Parties may request a telephone appointment with an attorney from the Barnstable County Lawyer of the Day Program. Appointments may be made by calling the Registry at 508-627-4703. Appointments with the lawyer of the day are generally scheduled on a day during the first week of each month.